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Pro per Plaintiff

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10 Attorneys for Defendant META PLATFORMS, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 MICHAEL MOATES,

Case No. 3:22-cv-04478-JD

15 Plaintiff,

**JOINT STIPULATION AND
[PROPOSED] ORDER TO EXTEND
PLAINTIFF'S TIME TO FILE HIS
AMENDED COMPLAINT**

16 v.

17 FACEBOOK, INC.

18 Defendant.

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JOINT STIPULATION AND [PROPOSED] ORDER TO SET BRIEFING SCHEDULE
CASE NO. 3:22-CV-04478-JD

1 Plaintiff Michael Moates and Defendant Meta Platforms, Inc. (“Meta”) (f/k/a Facebook)
 2 (collectively the “Parties”), by and through their counsel of record, hereby stipulate, subject to
 3 approval of the Court, as follows:

4 1. On November 19, 2020, Plaintiff filed a Complaint against Meta in the United States
 5 District Court for the Eastern District of Texas, which was captioned *Moates v. Facebook, Inc.*,
 6 Case No. 4:20-cv-00896.

7 2. On December 28, 2020, Plaintiff filed a Second Amended Complaint (“SAC”),
 8 asserting claims for (1) fraud; (2) breach of contract; (3) violation of civil rights; (4) violation of
 9 antitrust laws; (5) data theft; (6) violation of contract; (7) violation of regulation FD, unfair
 10 practices, insider trading; and (8) violation of right to privacy.

11 3. On February 3, 2021, Meta moved to dismiss Plaintiff’s SAC and to transfer the
 12 action (4:20-cv-00896) to the U.S. District Court for the Northern District of California pursuant to
 13 28 U.S.C. § 1404(a).

14 4. On May 14, 2021, the assigned magistrate judge issued a report and
 15 recommendation that the action (4:20-cv-00896) be transferred to the U.S. District Court for the
 16 Northern District of California.

17 5. On August 4, 2021, before the action (4:20-cv-00896) was transferred, Plaintiff
 18 voluntarily dismissed the action.

19 6. On July 29, 2021, Plaintiff filed an Original Petition against Meta in the 31st District
 20 Court of Denton County, which was captioned *Moates v. Facebook, Inc.*, Case No. 21-6407-431.
 21 On August 23, 2021, Plaintiff filed an Amended Petition.

22 7. On September 9, 2021, Meta removed the state court action (21-6407-431) to the
 23 United States District Court for the Eastern District of Texas pursuant to 28 U.S.C. §§ 1332, 1441,
 24 and 1446. *Moates v. Facebook, Inc.*, Case No. 4:21-cv-00694.

25 8. On July 12, 2022, the Court granted Meta’s motion to transfer and transferred the
 26 case to the Northern District of California. *Moates v. Facebook, Inc.*, Case No. 22-cv-04478-SK.

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9. On September 30, 2022, the matter was reassigned to the Honorable Judge James Donato. The Court set the Case Management Conference to December 1, 2022, at 10:00 A.M.

10. On December 1, 2022, Meta attended the Case Management Conference. The Court granted Plaintiff's Motion for Leave to Amend and ordered Plaintiff to file his amended complaint by December 22, 2022.

11. Due to the upcoming holidays, which would impact both Plaintiff's deadline to file an amended complaint and Meta's subsequent deadline to file its motion to dismiss, the parties have met and conferred in good faith and have agreed, subject to the Court's approval, to extend Plaintiff's deadline to file an amended complaint to January 9, 2022.

12. It is therefore stipulated and agreed by and between the Parties:

Plaintiff's deadline to file amended complaint shall be **January 9, 2022**.

Dated: December 12, 2022

Respectfully submitted,

ORRICK, HERRINGTON & SUTTCLIFFE LLP

By: /s/ Jacob M. Heath
Jacob M. Heath

Attorney for Defendants Meta Platforms, Inc.

By: /s/ Michael Moates
Michael Moates

Pro per Plaintiff

CIVIL LOCAL RULE 5-1(i)(3) ATTESTATION

I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories hereto.

Dated: December 12, 2022

By: /s/ Jacob M. Heath
JACOB M. HEATH

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

HONORABLE JAMES DONATO
United States District Judge

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